

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
December 8, 2015 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney
David Shawcroft, Civil Division Chief Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Dianne Orcutt, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Carl Hollan, Utah County Deputy Attorney
Haley Christensen, Utah County Attorney's Office
Bryan E. Thompson, Utah County Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.
Michelle Araujo, Utah County Commission Office
Lisa K. Nielson, Utah County Commission Office
Brian Voeks, Utah County Commission Office
Jim Stevens, Utah County Assessor's Office
Burt Garfield, Utah County Assessor's Office
Peter Jepps, Utah County Assessor's Office
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Joshua Ivie, Community Development
Lana Jensen, Utah County Personnel Director

Ralph Clegg, Health Department Executive Director
Bryce C. Larsen, Utah County Health Department
Don Nay, Utah County Public Works Assoc. Director
Andrea Allen, Utah County Recorder's Office
Marleen Andreason, Utah County Sheriff's Office
Chris Bagley, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Tom Hodgson, Utah County Sheriff's Office
Jerry Monson, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Kim T. Jackson, Utah County Treasurer
Douglas Fackrell, Santaquin Resident
Kathryn B. Hindmarsh, Provo Resident
Cole Christensen, -No further information given-
Garrett Dutson, -No further information given-
Ron Mitchell, -No further information given-
Jim Price, -No further information given-
Heather Williamson, -No further information given-
Mike Stansfield, Fairways Media
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:35 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Greg Graves, Utah County Commissioner

PLEDGE OF ALLEGIANCE: William C. Lee, Utah County Commissioner

PUBLIC HEARING

**PUBLIC HEARING TO DISCUSS THE 2016 BUDGET FOR THE GENERAL FUND
AND OTHER BUDGETARY FUNDS OF UTAH COUNTY AND TO CONSIDER A
CHANGE IN THE EXISTING SALARIES OF THE COUNTY OFFICERS OF UTAH
COUNTY, UTAH (*Public Hearing set October 27, 2015*)**

Commissioner Ellertson noted the Board is still working on the 2016 Budget and the numbers have not been finalized. He noted the Public Hearing and the coordinating agenda item (*Regular Agenda Item No. 12*) would be continued for one week, and invited any with public comments to step forward. None approached the bench.

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Commissioner Lee took a moment of personal privilege to comment on the lockdown at Pleasant Grove High School which took place the previous week. There had been a possible active shooter threat, and the Utah County Sheriff's Office was quick to respond. Commissioner Lee thanked the first responders for their service, and noted the gratitude expressed by residents for their professionalism and assistance.

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A BOARD OF ADJUSTMENT APPLICATION FOR CONDITIONAL USE FOR THE SOLDIER PASS SHOOTING RANGE**
- 2. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A CANCELLATION LETTER FOR AGREEMENT NO. 2007-652 WITH CUSTOM DATA PROCESSING**
- 3. DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT AS SURPLUS AND ALLOW DISPOSITION BY PUBLIC AUCTION**
- 4. DECLARE UTAH COUNTY VEHICLE NO. 701472, UNIT 1472 SURPLUS AND AUTHORIZE THE DISPOSAL OF THE WRECKED VEHICLE TO COPART FOR SALVAGE PURPOSES**
- 5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AMENDMENT TO AGREEMENT NO. 2014-598 WITH HABITAT FOR HUMANITY TO EXTEND THE CONTRACT THROUGH DECEMBER 31, 2016**
- 6. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60333, DATED DECEMBER 3, 2015**
- 7. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT AND THE SENIOR COMPANION PROGRAM**
- 8. RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 1 through 8 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

- 3. APPROVE THE MINUTES OF THE SPECIAL OCTOBER 21, 2015 COMMISSION MEETING**
- 6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2014-653 WITH THE UTAH DEPARTMENT OF HEALTH FOR THE ABSTINENCE EDUCATION PROGRAM**
- 7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2015-584 WITH FORSGREN ASSOCIATES INC. FOR THE DESIGN OF TWO BRIDGES**
- 8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES MARSHAL SERVICE VFAST/JLEO (VIOLENT FUGITIVE APPREHENSION STRIKE TEAM/JOINT LAW ENFORCEMENT OPERATIONS) PROGRAM**

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9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH STAKER PARSON COMPANIES TO PROVIDE ROCK CHIPS FOR CHIP SEALING OF ROADS**
13. **ADOPT ANNUAL NOTICE OF REGULAR MEETING SCHEDULE OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR THE YEAR 2016**
14. **ADOPT A RESOLUTION APPOINTING NICOLE PIERSON AS A UTAH COUNTY BAIL COMMISSIONER**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 2, and 8 were ratified; Nos. 3 and 4 were declared as surplus; No. 5 was approved and authorized; No. 6 was approved; and No. 7 was adopted. Regular Agenda Item No. 3 was approved; Nos. 6 through 9 were approved and authorized; and Nos. 13 and 14 were adopted.

AGREEMENT NOS.: 2015-784, 2015-785, 2015-786, 2015-787, 2015-788, 2015-789, 2015-790, 2015-791, 2015-792, 2015-793 and 2015-794

RESOLUTION NOS.: 2015-154, 2015-155 and 2015-156

REGULAR AGENDA

1. **UPDATE FROM THE UTAH COUNTY SHERIFF'S OFFICE REGARDING THE 2015 S.W.A.T. COMPETITION PASS-THROUGH ACCOUNTS**

Captain Mike Forshee of the Utah County Sheriff's Office introduced Lieutenant Mike Brower to present information on the 2015 S.W.A.T. Competition. Lieutenant Brower in turn pointed out Sergeant Cole Christensen in the audience, who won the overall competition. Lieutenant Brower and Commissioner Graves discussed funding, proceeds, and the beneficiary foundation, as well as the number of teams and training opportunities for local law enforcement.

The commissioners chose to address Regular Agenda Item No. 10 at this point before continuing with the posted calendar, as it was directly related to this item.

10. **RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE YEAR FOR 2015**

Mike Brower of the Utah County Sheriff's Office was recognized as the Utah County 2015 Employee of the Year.

The commissioners moved forward with the remaining agenda items as numbered.

2. **RECOGNIZE EMPLOYEES WITH 5, 10, 15, 20, 25, 30 AND 35 YEARS OF SERVICE WITH UTAH COUNTY**

Commissioner Ellertson noted Utah County Employees with 5, 10, 15, and 20 years of service would be recognized within their departments, and those with 25, 30, and 35 or more years of service would be individually recognized at the annual Christmas Party taking place this evening at the Utah Valley Convention Center.

4. **FORMALLY APPROVE THE USE OF THE NEW ELIGIBLE CORRIDORS MAP FOR THE UTAH COUNTY LOCAL OPTION CORRIDOR PRESERVATION FUND PROGRAM**

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James Price of Mountainland Association of Governments came forward to discuss the maps with the Board. Commissioner Ellertson summarized that as long as something is within the corridor, monies can be used for future right-of-way purchases. Mr. Price confirmed, stating that if it is not contained within the corridor, the map can be amended. However, state law allows the map only be approved or modified once per calendar year. The goal is to approve as many appropriate projects in advance in one all-inclusive map. If the current map is not approved, it would fall back to the previous map which has been in use since 2007.

Commissioner Lee asked whether something must be completed if it is included in the approved map, summarizing that they are using 'broad strokes' to cover potential projects. He wondered aloud why items slated for the year 2050 would be included on the map, and James Price talked about how state law governs local corridor preservation programs. Mr. Price stated emphasis areas are required, such as growth and population, employment, and vehicular miles travelled per year be considered in a prioritization process to determine use of the preservation funds. The proposed map has been through that process. By planning for future and management up to thirty years down the line, they are acknowledging that statute allows corridor preservation funds be used for long-term projects. Mr. Price explained the funds do not have to be used on the specified projects: only the map or corridors must be used to approve the funds for a particular project.

Commissioner Lee commented on federal Wilderness Study Areas, expressing concern that they may be working towards a goal that will not exist when planning so far out. Mr. Price responded that is possible, and talked about the certainty being less guaranteed the further out plans are made. However, the maps are re-addressed at a minimum of every four years and since a thirty-year plan is required by statute, the corridors can be used as a wish list for long-term planning. Commissioner Lee commented on the Board previously taking action on a thirty-year plan, stating it is important to be sensitive and recognize caution must be taken with long-term futuristic fluid plans.

Commissioner Graves made the motion to approve the use of the new Eligible Corridors Map for the Utah County Local Option Corridor Preservation Fund Program as discussed in Regular Agenda Item No. 4. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-795

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-126 WITH BARBARA DAVIES FOR FURTHER ASSISTANCE IN ELECTIONS

Commissioner Ellertson asked whether this is anticipated to be an ongoing contract, and Utah County Clerk/Auditor Bryan E. Thompson responded in the affirmative. Mr. Thompson noted this vendor will specifically be used in 2016 for the Presidential Election. He commented on the great performance by Barbara Davies and her company, calling it an ideal public-private partnership.

Commissioner Lee made the motion to approve and authorize the amendment to Agreement No. 2013-126 with Barbara Davies for further assistance in elections as detailed in Regular Agenda Item No. 5. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-796

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11. ADOPT A RESOLUTION CONSENTING TO THE PARKWAY ESTATES ANNEXATION INTO SARATOGA SPRINGS, UTAH

Utah County Deputy Attorney Robert J. Moore commented on the annexation which will technically leave a peninsula, but Saratoga Springs City is anxious and hopeful that the Board will approve the application so that it can be signed and recorded as soon as possible to forward on to the Governor's Office. Mr. Moore commented on the different ways to annex, noting this particular petition would not have been afforded to counties and cities before the last legislative session. Commissioner Graves noted these annexations would cause lower numbers for stormwater.

Commissioner Graves made the motion to adopt the resolution consenting to the Parkway Estates Annexation into Saratoga Springs, Utah as specified in Regular Agenda Item No.

11. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson

William C. Lee

Greg Graves

NAY: None

RESOLUTION NO. 2015-157

12. ADOPT A RESOLUTION APPROVING THE 2016 BUDGETS FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY, UTAH, AND AMENDING AND FIXING THE ANNUAL SALARIES FOR ELECTED UTAH COUNTY OFFICIALS FOR 2016

Commissioner Graves made the motion to continue Regular Agenda Item No. 12 regarding a resolution approving the 2016 Budgets for the General Fund and other budgetary funds of Utah County, Utah for one week to the December 15, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson

William C. Lee

Greg Graves

NAY: None

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Commissioner Lee suggested splitting the coordinating Public Hearing for the 2016 Budgets resolution into two items, as it addresses separate issues. Commissioner Ellertson pointed out that the issues can be voted on separately if needed, mentioning that a policy was put in place a year ago to combine the items. Commissioner Lee clarified he wants the opportunity to vote separately if needed, and Utah County Civil Division Chief Deputy Attorney David Shawcroft stated that is a possibility.

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

17. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

STRICKEN

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18. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

STRICKEN

Commissioner Lee made the motion to strike Regular Agenda Item Nos. 17 and 18 to set dates, times, and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares; and for a strategy session to discuss the sale of real property, water rights, or water shares. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

15. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

16. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Saratoga Springs resident Heather Williamson asked the commissioners what the proposed increased annual salaries would be for Elected Utah County Officials as outlined in Regular Agenda Item No. 12. Commissioner Ellertson replied that it has been discussed, but not yet determined, potentially up to a two percent increase.

Santaquin resident Douglas Fackrell noted this is his first experience attending a county meeting and it has been interesting to see the efficient manner in which official business is handled. He explained that on the south end of the county, a company has developed an antenna to receive local television channels. Mr. Fackrell had called to sign up for the service, but was informed the County Commissioners have not approved it there. When Mr. Fackrell mentioned the CIB (Community Impact Board), Commissioner Ellertson noted being familiar with the CIB but not being made aware of this particular issue until now. Commissioner Ellertson stated they would look into it, and obtained Mr. Fackrell's contact information in order to follow up.

Commissioner Lee commented on the proposed adjusted Elected Official salaries, stating he is not sure exactly what that means when Commissioner Ellertson says "up to two percent." Commissioner Lee asked whether Commissioner Ellertson is talking about the merit-based increases county employees received this year, and Commissioner Graves replied no; this is about the discussion for a general two percent increase for all county employees, in line with what the state and other entities are doing. Commissioner Lee stated he wants to make sure the public understands it may actually be up to a four percent increase. Commissioner Ellertson repeated that it has not been determined yet, as they are still in general discussions.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:13 A.M. to go into closed sessions. The public meeting reconvened at 11:00 A.M.

Commissioner Graves made the motion to adjourn the December 8, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**

NAY: None

There being no further business nor public comment, the meeting adjourned at 11:00 A.M. The minutes of the December 8, 2015 Commission meeting were approved as transcribed on January 12, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor
Copies available on the Utah County website at www.utahcounty.gov
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant